

MONTANA LEGISLATIVE HISTORY

Chapter 138 19 85

Bill H _____ S 59 Original bill & history C

H. Committee on Judiciary

Hearing Date(s) Feb 01 ☒ C

Mar 01 ☒ C

_____ C

_____ C

Date Out Mar 01 ☒ C

S. Committee on Judiciary

Hearing Date(s) Jan 12 ☒ C

Jan 13 ☒ C

_____ C

_____ C

Jan 10 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SB 59 INTRODUCED BY CRIPPEN

PROVIDE THAT A SUBPOENA REMAINS IN EFFECT UNLESS QUASHED OR
UNTIL FINAL DETERMINATION OF THE ACTION

1/05	INTRODUCED		
1/05	FIRST READING		
1/05	REFERRED TO JUDICIARY		
1/12	HEARING		
1/16	COMMITTEE REPORT—BILL PASSED		
1/17	2ND READING PASSED	49	0
1/18	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
1/19	FIRST READING		
1/19	REFERRED TO JUDICIARY		
2/01	HEARING		
3/01	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/03	2ND READING CONCURRED	100	0
3/04	3RD READING CONCURRED	98	0
	RETURNED TO SENATE WITH AMENDMENTS		
3/08	2ND READING AMENDMENTS CONCURRED	48	0
3/09	3RD READING AMENDMENTS CONCURRED	45	2
3/11	SIGNED BY PRESIDENT		
3/11	SIGNED BY SPEAKER		
3/13	TRANSMITTED TO GOVERNOR		
3/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 138		
	EFFECTIVE DATE: 10/01/95		

SB 60 INTRODUCED BY CRIPPEN

EXTEND TO DEPUTY SHERIFFS JOB TENURE RIGHTS GIVEN TO POLICE
OFFICERS UPON THE CONSOLIDATION OF CITY AND COUNTY
GOVERNMENTS

1/05	INTRODUCED		
1/05	FIRST READING		
1/05	REFERRED TO JUDICIARY		
1/12	HEARING		
1/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/18	2ND READING PASSED	48	0
1/19	3RD READING PASSED	46	2
	TRANSMITTED TO HOUSE		
1/20	FIRST READING		
1/20	REFERRED TO LOCAL GOVERNMENT		
2/28	HEARING		
3/03	COMMITTEE REPORT—BILL CONCURRED		
3/04	2ND READING CONCURRED	87	10
3/06	3RD READING CONCURRED	90	8
	RETURNED TO SENATE		
3/07	SIGNED BY PRESIDENT		
3/07	SIGNED BY SPEAKER		
3/08	TRANSMITTED TO GOVERNOR		
3/09	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 93		
	EFFECTIVE DATE: 10/01/95		

SB 61 INTRODUCED BY CRIPPEN

GRANT AUTHORITY TO REFUSE CERTAIN MISDEMEANANTS IF DETENTION
CENTER IS FULL

1/05	INTRODUCED		
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MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By SENATOR BAER, CHAIR FOR THE DAY, on January 12, 1995, at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Bruce D. Crippen, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Lorents Grosfield (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Linda J. Nelson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Council
Judy Feland, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 59, SB 60, SB 61, SB 65
Executive Action: None.

{Tape 1; Side A}

HEARING ON SB 59

Opening Statement by Sponsor:

SENATOR BRUCE D. CRIPPEN, Senate District 10, Billings, presented the bill at the request of the Montana Sheriffs' and Peace Officers' Association. SB 59 is a bill in which a subpoena remains in effect unless quashed or until judgment, dismissal, or other final determination of the action by the court in which the action was filed or to which the action was transferred, he told the committee.

SENATOR CRIPPEN explained to the committee that any time you have a continuance in the law, that a subpoena must be re-issued, which is a cost to the taxpayers.

Proponents' Testimony:

Kathy McGowan, representing the Montana Sheriffs' and Peace Officers' Association, read from her written testimony.
(EXHIBIT 1)

Chuck O'Reilly, Lewis and Clark County Sheriff, and a member of the Montana Sheriffs' and Peace Officers' Association Board, read his written testimony. (EXHIBIT 2)

Robert Henschel, Deputy Sheriff from Yellowstone County, Billings, spoke in favor of SB 59. In their large county, he said, where they have five district courts and two judges, these courts generate a mass of subpoenas over the year, the serving of which falls on the sheriff. Over two-thirds of the subpoenas served are re-serviced papers, he explained, where the trial has been vacated and a new trial set, and the continuous movement of the court calendar creates a horrendous amount of paperwork for his office. In many instances, he said, the court could only give his office one or two days in which to serve the subpoenas which increases the load on their department. Last year they served over 3,000 subpoenas, the deputy said. He had previously served in the Federal system, he said, in which the subpoena is enforceable until the case is disposed of by the court or the attorney involved relieves the witness of obligation. SB 59 would eliminate the duplication of services and extra work in law enforcement divisions, he said. He urged favorable consideration of the bill. He introduced a number of law enforcement officials who stood in support of the bill. Counties represented were: Rosebud, Fergus, Custer, Cascade, Hill, Stillwater, Carter, Gallatin, Toole, Flathead, Missoula and Yellowstone, among others.

John Connor, appearing on behalf of the Montana County Attorneys' Association and the Montana Department of Justice, spoke in support of SB 59. The problems they have had in serving subpoenas as related by the law enforcement people, he said, were the same problems experienced by prosecutors and public defenders or anyone who deals with the criminal justice system and has to call witnesses to court. It has long been unclear in the law, he observed, to whether or not witness had to be re-subpoenaed on a continuance. They always do re-subpoena them to be safe, he said, unless they are friendly witnesses that they can persuade to be in court in response to the initial subpoena. This bill would make imminent good sense, Mr. Connor said, and he encouraged support of the bill. He also reported that the Attorney General's Law Enforcement Advisory Council voted to support the measure, as well.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

SENATOR AL BISHOP asked John Connor how they would prove that a hostile witness was notified of a subsequent hearing; he asked if the witness would be able to get off the hook and not appear, claiming they did not know about it.

John Connor answered by saying that it was incumbent upon the party subpoenaing the witness to make sure that the witness is notified and be able to prove that. If the witness does not show up, he explained, that witness is in contempt of court.

SENATOR BISHOP said he was comfortable with the bill, but expressed concern with the proof of notice issue, saying he worried that a hostile witness would resist this.

SENATOR MIKE HALLIGAN wondered if they might need an amendment to the statute to say that a mailing by first class mail is sufficient notice. He wondered about due process problems associated with the mailings.

John Connor addressed the question by saying that in other areas of the law, there is a statute saying "once mailed, presumed received." He further explained that the reason to subpoena the witness is not to create a contempt situation for the witness, but rather to get them into court to testify. The intent of the bill is to tell people that the subpoena means that they have to be in court whether it's in the next week or the next six months, and the issuing party will have to provide a letter telling them when to appear. It will mean some affirmative steps on the part of the people issuing the subpoena, but it will remove the necessity of going back to the district court, getting subpoenas re-issued, having them delivered to the sheriff, and the whole expensive process, he said.

Sheriff O'Reilly reassumed the witness stand and told the committee that the wording of the bill does not restrict the re-issuance of a subpoena. It could be re-issued if you had a hostile witness, he said.

Closing by Sponsor:

SENATOR CRIPPEN reiterated the fact that another subpoena could be issued if necessary and also that the wording of the subpoena might be couched in terms that it stays in effect throughout the action. The Senator told the committee that this was an important problem to law enforcement people and certainly worth consideration. He pointed out that this would be one step in their run for "law and order" this session.

DATE _____

1-12-95

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January 12, 1995

**Testimony Supporting Senate Bill 59
Provided by the Sheriff's and Peace Officer's Association**

Mr. Chairman and members of the Senate Judiciary Committee, my name is Kathy McGowan. I am appearing before you today on behalf of the Montana Sheriff's and Peace Officer's Association (MSPOA). We would like to express our strong support for Senate Bill 59, and urge you to give this bill your favorable consideration.

Essentially, this bill represents cost savings to local county law enforcement departments that have the responsibility for serving Subpoenas. The serving of Subpoenas takes time, and as you know, time is money. This money comes from local taxpayers, and MSPOA is interested in making the most efficient use possible of taxpayer dollars.

When Chuck O'Reilly, Sheriff for Lewis and Clark County, presents his testimony, he will provide you with statistical information from Lewis and Clark County that illustrates exactly how costly the subpoena process can become.

Senate Bill 59 stipulates that the original subpoena, once served, remains in effect until the final determination in the case is made by the court of jurisdiction. This should not pose a problem for the courts or for the citizens involved in a proceeding. If a proceeding must be continued, the attorneys involved have the obligation to inform their clients and any witnesses they are calling. The responsibility to inform rests with the attorneys involved in the case.

This legislation will save local law enforcement time and money. It's efficiency legislation at its best, and the kind of cleanup bill this section of the law has needed for quite some time.

Thanks for the opportunity to testify in support of Senate Bill 59. There are other proponents here today, and any of us will be pleased to respond to any questions you may have.

CLARK COUNTY SHERIFF'S OFFICE
1-12-95
SB 59

1-12-95

Testimony of Sheriff Chuck O'Reilly

Representing the Montana Sheriff's & Peace Officers Assoc.

in Support of

SB #59

The information I am about to provide you is compiled from statistics representing the time period of December 1993 through November 1994.

The Lewis & Clark County Sheriff's Office, Civil Division, received in this time period a total of 274 subpoenas to serve which is 11% of all civil processes we received for service. Many times the same subpoena is served several times to the same person whenever a trial or hearing is re-scheduled. Following are some examples:

St. of Mt. v. Brandenburg

Served 4 people 4 different times for a total of 16 services. Our cost for this service went from \$60 to \$240.

Bell v. Mt. Rail Link

Served the same person 4 different times taking our costs from \$15 to \$60.

St. of Mt. v. Mason

Served 6 people 5 different times creating 30 services instead of 6 and a cost that went from \$90 to \$450.

State v. Johnson

Served the same person on 4 different occasions again raising our cost from \$15 to \$60.

State v. Reynolds

Another case of 4 times for the same persons raising our costs to \$60.

State v. Stanko

Served 2 people 3 times each taking our costs from \$30 to \$90.

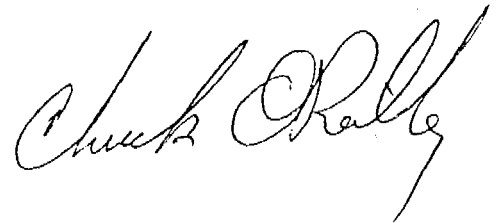
I could go on and on but I believe these cases alone show the need for the passage of SB 59. While subpoenas are 11% of the total processes we receive, the time spent in re-serving them is dramatically higher than on other one-time services.

The process for serving a subpoena involves checking and logging the paper work, actually locating and serving the person and generating a Sheriff's Return of Service and returning it to the process originator. The time involved in completing this process varies greatly depending on how difficult it is to locate and serve the person named in the process. Oftentimes we only have a name and no other identifying or location data which obviously causes a lot more need for research on our part.

My optimistic estimate for service of each subpoena is from 1 to 1 & 1/2 hours of staff time per service which represents a cost of approximately \$4110.00 to \$6165.00 to my department alone.

While my testimony is limited to my experiences with the Lewis & Clark County Sheriff's Office, I believe it is representative of the problem of duplicitous services of subpoenas which is occurring on a statewide basis.

I respectfully request your concurrence with a "Do pass" recommendation on this bill. Thank you.

A handwritten signature in cursive script, appearing to read "Chuck Kelly". The signature is written in dark ink and is located in the lower right portion of the document.

DATE 1-12-95SENATE COMMITTEE ON JudiciaryBILLS BEING HEARD TODAY: SB 59, SB 60, SB 61,
SB 65

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
J. Michael O'Hara	Missoula County Sheriff MSPOA	61 59	X	
Kathy McGowan	mt. sheriff's & Peace Officers	59 & 61	X	
Bob Gilbert	MT. Magistrates Assn	SB 61		X
Robert Henschel	Mont. Sheriff/Peace Officers	59 & 61	X	
Charles R Brooks	Yellowstone County MSPOA	SB 61 61 60	X	
John STRANDELL	CASCADE COUNTY	59	X	
Barry Michelotti	CASCADE County Sheriff's Office Deputies Assoc	61 60 59	X	
Rusty Jardee	MSPOA CARTER COUNTY	61 60 59	X	
Tony Harbaugh	CUSTER CO SHERIFF	59 60 61	X	
Pat Villanueva	Hill Co. Sheriff's Office	61-60 59	X	
Clifford Brophy	Stillwater Co. Sheriff	60 61 59	X	
JACK BARNUM	FERGUS CO. SHERIFF	60 61 59	X	
Chuck O'Reilly	L & C Co Sheriff	59 60 61	X	
John Connor	MT COUNTY ATTYS ASS. Dept of Justice	59 61		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 1/12/95

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

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Check One

Name	Representing	Bill No.	Support	Oppose
Jim CASHEU	GALLATIN COUNTY	59,61	X	
FRANK Crouley	Billingham GENERATION, Inc. ROSEBUD ENERGY	65	X ^{mod}	
T. Gregory HINDS	MISSOULA CO. MSPON	59,61	X	
Jim DUPONT	MSPON	59/61	X	
Gordon Morris	MHCO	59/61		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXECUTIVE ACTION ON SB 69

Discussion: Valencia Lane explained amendment 1 was to include (1) in the effective date of this act. The remainder of the amendments were requested by the sponsor. EXHIBIT 15

Motion/Vote: SENATOR HOLDEN MOVED TO AMEND SB 69. The motion passed unanimously on oral vote.

Motion/Vote: SENATOR HOLDEN moved that SB 69 DO PASS AS AMENDED. The motion PASSED UNANIMOUSLY on oral vote.

EXECUTIVE ACTION ON SB 59

Motion/Vote: Motion: SENATOR HALLIGAN moved that SB 59 DO PASS. The motion passed unanimously on oral vote.

1-13-95

SEN:1995
wp.rollcall.man

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 13, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration SB59 (first reading copy -- white), respectfully report that SB59 do pass.

Signed: Al Breda

Senator Bruce Crippen, Chair

SA Amd. Coord.

Sec. of Senate

111323SC.SRF

HEARING ON SB 59

Opening Statement by Sponsor:

SEN. BRUCE CRIPPEN, SD 10, introduced SB 59 on behalf of the Montana Sheriff's and Peace Officer's Association (MSPOA). This bill proposes that a subpoena remain in effect until the final determination is made in a case.

Proponents' Testimony:

Kathy McGowan, MSPOA, expressed strong support for SB 59.
EXHIBIT 1

Sheriff Chuck O'Reilly, Lewis and Clark County, gave statistics which support the need for this bill regarding costs for multiple servings of subpoenas.

{Tape: 1; Side: B}

John Connor, Montana County Attorney's Association, Department of Justice and Attorney General's Office, spoke in favor of SB 59.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. MC GEE asked how the new system works in keeping people informed about changes in times, etc.

Mr. Connor said the form would be changed to state that it is valid for the duration of the action and it would be incumbent upon the party subpoenaing the witness to keep them informed as to when and where subsequent hearings would be held. The same sanctions would be available as are currently if there are violations.

REP. MC GEE asked if he was comfortable with this proposed process.

Mr. Connor said he was and described how he personally would use the proposed system.

REP. MC GEE asked him to speak to how this system would relate to civil matters.

Mr. Connor did not see many differences.

REP. BOHARSKI asked if subpoenas currently state the time and place of the court appearance.

Mr. Connor said they do.

REP. BOHARSKI asked how they could expire.

Mr. Connor said the subpoena should reference that it remains in effect until judgment, dismissal or final determination of the action. If for some reason the action is continued, the subpoena will remain in effect until the future date for that action.

REP. BOHARSKI asked about the court modifying the subpoena. He wanted to know how the person is notified of the change.

Mr. Connor clarified.

REP. BOHARSKI restated his question and asked for further clarification.

Mr. Connor said the subpoena requires that the witness appear at a given date and time. If the witness appears at that time and place and there is some judicial action to continue the matter or that witness's testimony is not needed until some future date during the trial, the witness needs to be apprised of the change and it is incumbent upon the party subpoenaing the witness to tell him/her when it is necessary to appear.

REP. BOHARSKI asked how that works from a practical standpoint.

Mr. Connor said under current law a new subpoena is issued.

REP. BOHARSKI asked how the court notifies the person that they must appear at a later time.

Mr. Connor said the subpoena form needs to be modified to indicate that if the person is not required to testify on the date and time specified in the subpoena, the subpoena remains in effect as contemplated in this bill. It is incumbent upon the attorney of the party subpoenaing the witness to notify the witness by letter, by subsequent subpoena or some other way to inform the witness. There is no fault on the part of the witness if he/she is not so informed.

REP. BOHARSKI wanted to be sure the person would know of the change, but he would take his word for it that the witness would not have any difficulties with the court if he/she had not been properly informed of a change.

Mr. Connor discussed the option of mailing the notice with a possible follow-up phone call. He quoted, "Once mailed, it is presumed to be received."

REP. KOTTEL asked for a summary of the current practice when a witness fails to appear on subpoena.

Mr. Connor believed that the court would be shown that the witness had been subpoenaed who failed to appear and asked that the witness be held in contempt of court.

REP. KOTTEL asked if at the show cause hearing, the witness would have the opportunity to give reason for not appearing and the judge would not hold the witness in contempt if he/she had a reason such as not having been notified.

Mr. Connor agreed.

REP. KOTTEL asked if it becomes one person's word against another. She wondered if they could amend the bill to address this possibility.

Mr. Connor said his understanding of her proposed amendment would remove any sanction for the witness failing to appear. He said they are not interested in holding witnesses in contempt or punishing witnesses. He had never experienced a reason for holding a witness in contempt but did not feel it would be appropriate to remove all sanctions in the event they did not show.

REP. KOTTEL feared that some attorneys would not notify and this system could place witnesses in an indefensible position. Witnesses should be held liable for failure to show, but if the attorney did not send written notice, then the witness should not be held liable in a rule to show cause and the bill should include wording to hold the attorney accountable to notify.

Mr. Connor saw her point and agreed. The bill is trying to remove the responsibility from the sheriff's office to re-serve subpoenas.

Closing by Sponsor:

SEN. CRIPPEN closed and summarized the intent of the bill.

{Tape: 1; Side: B; Approx. Counter: 20.9}

HEARING ON SB 61

Opening Statement by Sponsor:

SEN. CRIPPEN, SD 10, brought SB 61 at the request of MSPOA. This bill deals with detention centers and the orderly administration of them. He explained the sections of the bill. He said the change is located on the second page which allows for an exception when the detention center is at full capacity and a detention center administrator can refuse to confine or continue to confine a person charged with a misdemeanor. He expanded on the need for this change.

Proponents' Testimony:

Kathy McGowan, MSPOA, stood in support of SB 61. EXHIBIT 2

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL

DATE 2/1/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority		✓	
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓		
Rep. Debbie Shea	✓		
Rep. Liz Smith	✓		
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		

February 1, 1995

**Testimony Supporting Senate Bill 59
Provided by the Sheriff's and Peace Officer's Association**

Mr. Chairman and members of the House Judiciary Committee, my name is Kathy McGowan. I am appearing before you today on behalf of the Montana Sheriff's and Peace Officer's Association (MSPOA). We would like to express our strong support for Senate Bill 59, and urge you to give this bill your favorable consideration.

Essentially, this bill represents cost savings to local county law enforcement departments that have the responsibility for serving Subpoenas. The serving of Subpoenas takes time, and as you know, time is money. This money comes from local taxpayers, and MSPOA is interested in making the most efficient use possible of taxpayer dollars.

When Chuck O'Reilly, Sheriff for Lewis and Clark County, presents his testimony, he will provide you with statistical information from Lewis and Clark County that illustrates exactly how costly the subpoena process can become.

Senate Bill 59 stipulates that the original subpoena, once served, remains in effect until the final determination in the case is made by the court of jurisdiction. This should not pose a problem for the courts or for the citizens involved in a proceeding. If a proceeding must be continued, the attorneys involved have the obligation to inform their clients and any witnesses they are calling. The responsibility to inform rests with the attorneys involved in the case.

This legislation will save local law enforcement time and money. It's efficiency legislation at its best, and the kind of cleanup bill this section of the law has needed for quite some time.

Thanks for the opportunity to testify in support of Senate Bill 59. There are other proponents here today, and any of us will be pleased to respond to any questions you may have.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE

2-1-95

BILL NO. SB 59

SPONSOR(S)

Rep. Crippen

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Kathy McGowan - Helena	MSPGA	✓	
Barry Michelotti - Cascade County	MSPGA	✓	
Charles R. Brooks	Yellowstone County	✓	
John Connor	Atty. General's Office MT County Attys Assn	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14

away their ability to use information that is important in identifying the cost of a risk.

REP. TREXLER was concerned about the 2,500 outstanding warrants and asked if they would all result in convictions.

Col. Reap said that when they are finally brought to the court, they all would end up in conviction. Some of the warrants relate to people who have already been to court and this bill wouldn't address those. He said that had it been in effect, they might not have gotten to this point with the people in their disrespect for the court. The people the bill would affect are about 80% which will end in conviction.

Closing by Sponsor:

REP. HALLIGAN closed with the agreement that he would work with whomever might want to make changes in the bill to address the concerns of proponents and opponents.

{Tape: 2; Side: A; Approx. Counter: 54}

EXECUTIVE ACTION ON SB 59

Motion: REP. ANDERSON MOVED SB 59 BE CONCURRED IN.

Motion: REP. BOHARSKI MOVED TO AMEND SB 59 ON PAGE 1, LINE 21 FOLLOWING "SUBPOENA." INSERT "THE TIME AND PLACE MAY BE MODIFIED BY MUTUAL WRITTEN AGREEMENT OF THE PARTIES OR BY AN AMENDED SUBPOENA ISSUED BY THE CLERK OF THE COURT."

Discussion: REP. BOHARSKI said he thought they needed the amendments to make the bill work. He asked how a person would receive the information about any changes to an existing subpoena.

CHAIRMAN CLARK said the person would be served with an amended version of the subpoena by the process server.

Vote: The motion carried unanimously by voice vote.

Motion/Vote: REP. MC GEE MOVED SB 59 BE CONCURRED IN AS AMENDED. The motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 61

Motion: REP. BOHARSKI MOVED SB 61 BE CONCURRED IN.

Discussion: REP. MC GEE said that his notes indicated that there was testimony from a Justice of the Peace (JP) who did not like the sheriff overturning a JP decision and wanted the local government to deal with that.

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL

DATE 3/1/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓	8:05 FF	
Rep. Diana Wyatt, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓		
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar		✓	
Rep. Debbie Shea	✓		
Rep. Liz Smith		✓	
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		



HOUSE STANDING COMMITTEE REPORT

March 1, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 59 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Clark
Bob Clark, Chair

Carried by: Rep. Kottel

And, that such amendments read:

1. Page 1, line 21.

Following: "subpoena."

Insert: "The time and place may be modified by mutual written agreement of the parties or by an amended subpoena issued by the clerk of the court."

-END-

Mr
3/1

Committee Vote:
Yes 16, No 0.

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